

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ALLEN QUIGLEY, as Administrator  
of the Estate of SCOTT QUIGLEY, JR.,

Plaintiff,

No. 09-14221

vs.

Hon. Gerald E. Rosen

TUONG V. THAI, M.D.,

Defendant.

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ORDER DENYING DEFENDANT'S MOTION FOR  
JUDGMENT ON THE PLEADINGS

At a session of said Court, held in  
the U.S. Courthouse, Detroit, Michigan  
on April 30, 2013

PRESENT: Honorable Gerald E. Rosen  
United States District Chief Judge

On April 29, 2013, one day before the scheduled Final Pretrial Conference,  
Defendant Thai filed the instant Motion for Judgment on the Pleadings.<sup>1</sup> Pursuant to the  
Scheduling Order in this case, as amended, the dispositive motion cut-off was December  
30, 2010. Because Defendant's Motion for Judgment on the Pleadings was not timely  
filed,

IT IS HEREBY ORDERED that Defendant's Motion for Judgment on the

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<sup>1</sup> This is the third dispositive motion filed by Defendant Thai. The Court denied  
both of Thai's previous dispositive motions, and the most recent denial was affirmed by  
the Sixth Circuit Court of Appeals.

Pleadings [**Dkt. # 74**] is DENIED.<sup>2</sup>

s/Gerald E. Rosen  
Chief Judge, United States District Court

Dated: April 30, 2013

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on April 30, 2013, by electronic and/or ordinary mail.

s/Julie Owens  
Case Manager, (313) 234-5135

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<sup>2</sup> Defendant's alternative request for "Relief from Order pursuant to Rule 60(b)(6)" is also denied. As Defendant himself admits, Rule 60(b)(6) is reserved for "extraordinary" situations. Defendant's failure to pursue his argument for dismissal of Plaintiff's state law claim of gross negligence in his prior dispositive motions do not present such extraordinary circumstances warranting Rule 60(b)(6) relief.